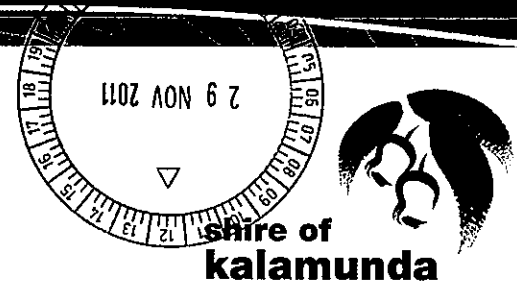


22 November 2011



Hon. Brian Ellis MLC  
Chair  
Standing Committee on Environment and Public Affairs  
Parliament House  
Perth WA 6000

Dear Mr Ellis

**Proposed Purchase of Untitled Reserve for Urban Development, High Wycombe**

I refer to your correspondence dated 3 November 2011 with respect to the above mentioned matter and the petition as received in the Legislative Council on 20 September 2011.

The Shire of Kalamunda recently undertook a broad assessment of all properties contained within its property portfolio, including both freehold properties and those properties vested in the Shire of Kalamunda by the State Government.

This review was extensive and the Shire engaged an independent expert in this field to provide advice with respect to these properties and options that were available for the Shire of Kalamunda into the future.

As you would no doubt be aware, the Shire of Kalamunda has grown rapidly over the last decade and is intended to grow further in coming years. The Shire of Kalamunda as such needs to responsibly manage its assets and responsibilities within the district to provide the highest level of services to its community wherever possible.

The reserve in question is located on Swan Road, High Wycombe. This property was set aside as a reserve by the original developer, ceded to the Crown as condition of development approval and eventually vested to the Shire of Kalamunda.

The reserve has an area of 3522 sq.m so functions only as a local reserve. As a local reserve its primary function is to provide open space services to a catchment of residents with a 400 metre radius of the reserve.

This 400 metre catchment is not a determination of the Shire of Kalamunda, but an accepted matter of planning principle applied by the Western Australian Planning Commission.

Inspection of the reserve identified that the reserve is located at the corner of a residential street, with very limited access by means of a small entrance from the road and a public access way on one side of the property.

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It was noted that property owners adjacent to the public access way have placed deterrents along their fence line, so as (it is assumed) to deter unauthorised access from the public access way to their properties.

The reserve is completely undeveloped and provides no active services or facilities to the community. The property also has no vegetative understorey, retaining only a number of mature trees located in regular intervals on the property. There is no wildlife living in the Reserve nor is it part of a bushland corridor.

The properties adjacent to the reserve do not physically connect to the reserve, all have built their properties facing away from the reserve and no properties have taken advantage of the reserve in respect to views or amenity. All have constructed solid rear fences and as such the reserve has no passive surveillance and is located in such a manner and in such a location as to encourage anti-social behaviour.

Based on these findings, considerations of the Council and recommendation of the independent consultants engaged, Council approval was obtained to consult the local community with respect to the reserve and the proposed rationalisation of this property.

The intent of this rationalisation is for the funds arising from any subsequent disposal to be invested into other larger reserves in the immediate vicinity of this area to provide much needed services and facilities.

These services and facilities were identified as being required following a recent community facilities review which was undertaken on all reserves and open space in the Kalamunda district.

Interestingly, this review (conducted independent of the Shire of Kalamunda) also concluded that the property in question did not function as local reserve, provided very limited benefit to the community that it is designed to service and was surplus to requirements.

The community consultation process was undertaken in two parts;

- A community meeting, to which all residents within the designated 400 metre radius of the reserve were invited, and
- A direct mail out to all residents within this catchment providing the same information presented at the meeting.

The mail out was used so as to ensure that those who had been unable to attend the public meeting, were also able to consider the matter and provide their opinion to the Council.

At the conclusion of the consultation process, all the submissions were taken into account including one submission that contained the 'petition' which has now been subsequently submitted to the Legislative Council. A report was presented to Council in respect to the submissions received on 19 September 2011.

The community consultation process was undertaken in such a way so as to inform as many of the residents within the 400 metre catchment of the intent of the Council as was possible.

The mail out included a submission form with an option to support or object to the proposal and space to provide further comments if required.

Residents attending the meeting, including the lead petitioner (Mr Mark Gilks), were advised that petitions would not be considered as part of the submission process on the basis of one vote per signature for the following reasons;

- The petition may include persons outside of the community relating to this reserve, and as this reserve was not provided to service other areas, it was considered inappropriate that persons not affected by this proposal could support the proposal and influence the outcomes,
- The basis and means by which the signatures were gathered in the petition could not be confirmed,
- The information available to persons when signing the petition could not be ascertained,
- The petition would provide no proof of identity, merely a list of names and signatures,
- If the Council were to consider any petition on the basis of one vote per signature, then it would be devaluing the contribution made by residents who had completed a submission form, attended the public meeting or who had provided more detailed comments on the proposal.

The outcomes of the submissions received provided the following information;

- Total Submissions Received 84
- Total Submissions in Favour 60
- Total Submissions Against 20
- Total Submissions Undecided 4

This indicated a general support of over 70% of the submissions received for the rationalisation of the reserve in question.

When this was compared with the outcomes of the petition, which indicated over 100 signatures opposing the proposal, the variation in the data collected becomes evident and the report to Council was framed recommending Council support the rationalisation of the Reserve.

At the Council meeting of the 19 September 2011 the lead petitioner made a statement to Council calling for reconsideration of the over 100 signatures opposing the rationalisation of the Reserve. In response Council resolved that *"Reserve 33221 Swan Road High Wycombe be referred to the October Ordinary Council Meeting for further consideration"*.

The contents of the petition were then further assessed. From the 124 signatories on the petition received it was concluded that 69 of the signatories are valid.

Those that were considered to be not valid are where there has been more than one signatory for the same address, or where the address provided is not within the suburb of High Wycombe and therefore the catchment of the reserve.

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Of the 69 valid signatories, 12 of the signatories had also previously completed and returned the submission forms, therefore in effect they had been able to vote 'twice' in respect to the proposal.

This suggested that of the original 120 signatures, only 57 were relevant to the matter under discussion and should be considered as 'additional' votes' on the proposal.

In order to deal appropriately with the lead petitioner's request the Shire has engaged an independent researcher to contact as many of the legitimate 57 residents that signed the petition to gain clarity as to why they signed the petition and for what purpose did they use the Reserve. It is envisaged that this additional consultation process will be completed and its finding and conclusions will be reported to Council at its December 2011 meeting.

The Shire of Kalamunda had always intended that the funds from this property (if acquired) would be used to improve facilities and install equipment on the nearby Rangeview Reserve. This reserve is located only 1 street away from the subject property.

Interestingly, during the public submission process a great many of the submissions received in support of the proposal, specifically referred to the Shire's desire to improve Rangeview Park and their belief that services and facilities at Rangeview Park would provide better services to the community than those provided by the vacant Swan Road reserve.

Whilst this matter is yet to be considered by Council, and the outcomes of any such consideration as not yet known, the principles that the Shire of Kalamunda have applied to this process appear to be appropriate.

The Shire has extensively reviewed its open space properties with a view to improving local service delivery and access to services and facilities. This review has identified much needed investment of funds to improve facilities and services at a local, district and regional level.

A separate review of properties owned or controlled by the Shire of Kalamunda concluded that the property in question provided no obvious benefit to the community it was intended to serve and should be considered for rationalisation.

An open space review concluded that the property was surplus to current and future needs.

A significant proportion of the 70% of residents, who supported the proposal through the submission process, concluded that the rationalisation of this property, and the use of the funds to improve reserves more widely accessible and available to the community, was an outcome that they supported.

The Shire of Kalamunda recognises its responsibilities to provide services to its community and its desire to consider all options available to it, as part of this process is an appropriate part of governance of the district.

The Council has no desire to disenfranchise any part of its community as a result of this process; however neither does it wish to make decisions that are better for the few at the expense of the majority.

The Shire has conducted an extensive consultation process, and despite having initial reservations in respect to the use of petitions, deferred any consideration of this matter having received the petition, so that the contents of the petition could be better assessed.

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It is felt that through this process, the consultation undertaken, the public meetings held, and the considerable thought given to this particular subject by the Council at a number of Council meetings, the appropriate outcome for the community will be reached.

The Shire of Kalamunda trusts that the Standing Committee will support the Council of the Shire of Kalamunda in this respect, the conclusion that it will reach with respect to this matter, and in responding to the needs of its community now and into the future.

Yours sincerely

A handwritten signature in black ink, appearing to be the initials 'JT' with a long horizontal stroke above the 'T'.

James Trail  
**Chief Executive Officer**

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